

REMARKS

Applicants respectfully request reconsideration of this application, as amended herein. Claims 3, 8, and 31 were pending in the application. In this amendment, Claims 3, 8, and 31 have been canceled; and new Claims 33-44 have been added. Therefore, Claims 33-44 are pending in the application.

Drawings

The Examiner objected to the drawings asserting that Figures 1-4 should be cross-hatched. Figures 1-4 have been amended as suggested by the Examiner. The Examiner further objected to the drawings because reference character "4a" and "5b" in Figures 1-4 should be designated with an arrow to distinguish the feature from the leg and the hook element. Figures 1-4 have been amended as suggested by the Examiner. Still further, the Examiner recommended that reference character "25" in Figure 5 should be shifted to the left and that reference characters "24" and "25" should be without arrows since reference characters "20" and "21" appear to be showing the same feature. Figures 5 and 5.1 have been amended as suggested by the Examiner. Applicants respectfully point out that elements "20" and "21" are not the same elements as elements "24" and "25". Element "20" is a topside retaining profile and element "21" is an underside retaining profile; element "24" is a top hook element and element "25" is a bottom hook element. In Figure 5.1, a prime symbol is used to depict the similar components that are different in an alternate embodiment.

The Examiner also asserted that reference characters "2" in Figure 13 should be deleted. Figure 13 has been amended as suggested by the Examiner.

The Examiner objected to the drawings because reference characters "3", "4", "5", and "6" have been used to designate the same panel in Figures 1-2 and 4. In Figure 1, reference characters "3", "4", "5", and "6" indicate four separate panels of the same type. In Figure 2, a detail close up of complementary profiles of two adjoining panels "4" and "5" is shown. Figure 4 merely show a profile for a similar panel "5'" with the cutting tool machinery used to establish the profile.

The Examiner objected to the drawings because reference characters "22" and "23" have been used to designate the same panel in Figure 5. Actually, reference characters "22" and "23" designate opposite sides of adjacent panels. Figure 5.1 has been amended to indicate that the

panels are different by including a prime symbol to depict the components that are different in an alternate embodiment.

The Examiner objected to the drawings because reference characters "40" and "41" have been used to designate the same panel in Figures 6-12. Applicants respectfully point out that Figure 6 shows a perspective view of panels "40" and "41", while Figures 7-12 show side views of the same panels. Accordingly, they are, in fact, the same panel.

The Examiner objected to the drawings because reference characters "4'" and "5'" have been used to designate the same panel in Figure 3. Actually, reference characters "4'" and "5'" designate opposite sides of adjacent panels in an alternate embodiment.

The Examiner objected to the drawings because reference characters "4b" and "5b" have both been used to designate the same retaining profile in Figures 1-2, 4, and 13. Applicants respectfully point out that reference character "4b" designates the underside retaining profile for panel "4" and reference character "5b" designates the underside retaining profile for adjacent panel "5". In Figure 13, the underside retaining profile has been changed to "64b" to conform with a similar naming convention.

The Examiner objected to the drawings because reference characters "4a" and "5b" have both been used to designate the same retaining profile in Figures 1-2. Applicants respectfully point out that reference character "4a" designates the topside retaining profile for panel "4" and reference character "5b" designates the underside retaining profile for adjacent panel "5". Furthermore, Figure 2 shows a detail close up of a portion of Figure 1 illustrating adjacent complementary profiles.

The Examiner objected to the drawings because reference characters "7" and "8" in Figures 2-3 have both been used to designate the same underside. Applicants respectfully point out that reference character "7" designates the underside of panel "4" and reference character "8" designates the underside of adjacent panel "5". Figure 3 has been amended to indicate that the panels are different by including a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference characters "16" and "9" in Figures 2-3 have both been used to designate the same topside. Applicants respectfully point out that reference character "16" designates the topside of panel "4" and reference character "9"

designates the topside of adjacent panel "5". Figure 3 has been amended to indicate that the panels are different by including a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference characters "4g" (Figure 2) and "5g" (Figure 3) have both been used to designate the same retaining surface. The Examiner also asserts that the surfaces are reversed. Applicants respectfully point out that reference character "4g" designates the retaining surface of a top hook extension of panel "4" and reference character "5g" designates the retaining surface of a bottom hook extension of adjacent panel "5". Figure 3 has been amended to indicate that the panels are different by including a prime symbol to depict the components that are different in the alternate embodiment. Moreover, Applicants respectfully point out that the symbols are not reversed. The arrows point to the exposed portion of the surfaces as when the adjacent panel is not connected.

The Examiner objected to the drawings because reference characters "5g" (Figure 2) and "4g" (Figure 3) have both been used to designate the same retaining surface. The Examiner also asserts that the surfaces are reversed. Applicants respectfully point out that reference character "4g" designates the retaining surface of a top hook extension of panel "4" and reference character "5g" designates the retaining surface of an underside hook extension of adjacent panel "5". Figure 3 has been amended to indicate that the panels are different by including a prime symbol to depict the components that are different in the alternate embodiment. Moreover, Applicants respectfully point out that the symbols are not reversed. The arrows point to the exposed portion of the surfaces as when the adjacent panel is not connected.

The Examiner objected to the drawings because reference characters "4f" (Figure 2) and "5f" (Figure 3) have both been used to designate the same retaining surface. The Examiner also asserts that the surfaces are reversed. Actually, neither reference character is used to designate a retaining surface. Reference characters "4f" designates a hook projection in the topside retaining profile of panel "4" and reference characters "5f" designates a hook projection in the underside retaining profile of adjacent panel "5". Furthermore, Applicants respectfully point out that the surfaces are not reversed. Applicants use a naming convention having a number and letter combination to identify the various specific elements of the retaining profiles for each panel - the

number indicates the appropriate panel and the letter indicates the specific element. Figure 3 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference characters "5f" (Figure 2) and "4f'" (Figure 3) have both been used to designate the same retaining surface. The Examiner also asserts that the surfaces are reversed. Actually, neither reference character is used to designate a retaining surface. Reference characters "4f'" designates a hook projection in the topside retaining profile of panel "4'" and reference characters "5f" designates a hook projection in the underside retaining profile of adjacent panel "5". Furthermore, Applicants respectfully point out that the surfaces are not reversed. Applicants use a naming convention having a number and letter combination to identify the various specific elements of the retaining profiles for each panel - the number indicates the appropriate panel and the letter indicates the specific element. Figure 3 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference characters "11" (Figure 2) and "15" (Figure 4) have both been used to designate the same opening. Actually, reference character "11" designates an opening formed by the underside hook projection "5f" of panel "5". In contrast, reference character "15" designates an opening formed by the underside hook projection "5f'" of panel "5'".

The Examiner objected to the drawings because reference characters "4c" (Figure 2) and "5f'" (Figure 3) have both been used to designate the same short hook element. The Examiner also asserts that the hook elements are reversed. Actually, reference character "4c" designates only the hook element in the topside retaining profile of panel "4" and reference characters "5f'" designates a hook projection in the underside retaining profile of adjacent panel "5'". Furthermore, Applicants respectfully point out that the hook elements are not reversed. Applicants use a naming convention having a number and letter combination to identify the various specific elements of the retaining profiles for each panel - the number indicates the appropriate panel and the letter indicates the specific element. Figure 3 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference characters "12a" (Figure 2) and "12e" (Figure 3) have both been used to designate the same pocket. Actually, reference character

"12a" designates an adhesive pocket formed when the hook projection "5f" of panel "5" bears against the leg "4e" at the topside of panel "4" and when retaining surface "4g" bears against retaining surface "5g". In contrast, reference character "12e" designates an adhesive pocket formed when the hook projection "4f'" of panel "4'" bears against the leg "5e'" at the underside of panel "5'" and when retaining surface "4g'" bears against retaining surface "5g'".

The Examiner objected to the drawings because reference characters "4d" (Figures 1 and 2) and "4f'" (Figure 3) have both been used to designate the same long hook element. The Examiner also asserts that the hook elements are reversed. Actually, reference character "4d" designates only the hook element in the underside retaining profile of panel "4" and reference characters "4f'" designates a hook projection in the topside retaining profile of adjacent panel "4'". Furthermore, Applicants respectfully point out that the hook elements are not reversed. Applicants use a naming convention having a number and letter combination to identify the various specific elements of the retaining profiles for each panel - the number indicates the appropriate panel and the letter indicates the specific element. Figure 3 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference character "4a" has been used to designate both a profile element with a short hook element 4c (Figure 2) and another profile element with a long hook element (Figure 3). Actually, reference character "4a" designates a retaining profile on the topside of panel "4" and reference character "4c" designates the hook element portion of the retaining profile on the topside of panel "4". In Figure 3, the hook element portion of the retaining profile is designated as "4c'".

The Examiner objected to the drawings because reference character "5b" has been used to designate both a profile element with a long hook element "4d" (Figures 1 and 2) and another profile element with a short hook element "5f'" (Figure 3) . Actually, reference character "5b" designates the entire underside retaining profile of panel "5" and reference character "4d" designates only a hook element in the underside retaining profile of adjacent panel "4". Reference character "5f'" designates only a hook projection in the underside retaining profile of panel "5'". Applicants use a naming convention having a number, letter combination to identify the various specific elements of the retaining profiles for each panel - the number indicates the

appropriate panel, and the letter indicates the specific element. Figure 3 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference character "5h" has been used to designate both an end with a long size (Figure 2) and another end with a short size (Figure 3). Applicants have amended the specification and drawings to differentiate the elements. Figure 3 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference character "14" has been used to designate both an end with a short size (Figure 2) and another end with a long size (Figure 3). Applicants have amended the specification and drawings to differentiate the elements. Figure 3 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference character "20" has been used to designate both a retaining profile with a first configuration (Figure 5) and another retaining profile with a second configuration (Figure 5.1). Applicants have amended the specification and drawings to differentiate the elements. Figure 5.1 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference character "21" has been used to designate both a retaining profile with a first configuration (Figure 5) and another retaining profile with a second configuration (Figure 5.1). Applicants have amended the specification and drawings to differentiate the elements. Figure 5.1 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference character "24" has been used to designate both a hook element with a first configuration (Figure 5) and another hook element with a second configuration (Figure 5.1). Applicants have amended the specification and drawings to differentiate the elements. Figure 5.1 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference character "29" has been used to designate both a hook projection with a first configuration (Figure 5) and another hook projection with a second configuration (Figure 5.1). Applicants have amended the specification and drawings to differentiate the elements. Figure 5.1 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference character "28" has been used to designate both a hook projection with a first configuration (Figure 5) and another hook projection with a second configuration (Figure 5.1). Applicants have amended the specification and drawings to differentiate the elements. Figure 5.1 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference characters "33" and "34" have been respectively used to designate both a retaining surface with a first configuration (Figure 5) and another retaining surface with a second configuration (Figure 5.1). Applicants have amended the specification and drawings to differentiate the elements. Figure 5.1 uses a prime symbol to depict the components that are different in the alternate embodiment.

The Examiner objected to the drawings because reference character "1" has been used to designate a floor covering with two panels having each a first configuration of projection profiles in the narrow sides (Figure 1), a floor covering with two panels having each a second configuration of projection profiles in the narrow sides (Figures 6-12), and a floor covering with one panel having profiles shown in Figure 6 in the wider sides and profiles shown in Figure 2 in the narrow sides. Actually, reference character "1" designates a floor covering. The floor covering may include several panels and the retaining profiles of the panels may have different embodiments. Moreover, several examples of a floor covering are described and illustrated in the invention disclosure. Generally, a floor covering comprises panels; each having two pairs of narrow sides arranged perpendicular to one another around the edges of the panel. The Examiner is apparently confused by the three dimensional nature of the panels in the present invention. Applicants note that the panel, according to the invention, is a thin three-dimensional object having a broad flat top and bottom and four narrow edges. Of the four narrow edges, two are long and two are short. The retaining profiles are constructed in the narrow edges. Due to the two-dimensional limitation of the medium on which the drawings are displayed and in order to avoid clutter in the drawings, the end of the panel is generally shown to illustrate the complementary profiles. For example, in Figure 1, only an end view taken from the long side of several panels is shown. While the retaining profiles may be shown in the edges of the short side of the panel, it is not correct to assume that the floor covering is different from the floor covering

shown in Figures 6-12. Additionally, in Figures 6-12, the profiles in the long side of the panel are shown as viewed from the short side end.

The Examiner objected to the drawings because reference character "2" has been used to designate a fastening system with a first configuration of the projection profiles (Figures 1 and 2) and another fastening system with a second configuration of the projection profiles (Figure 3). Applicants respectfully point out that a system is combination of parts forming a unitary whole. The fastening system in this invention comprises complementary retaining profiles on the edges of the panels. While several embodiments of retaining profiles for the long edges and short edges of the panels may be shown in the various figures, they all constitute one fastening system.

The Examiner objected to the drawings because they include the following reference character(s) not mentioned in the description: "a" and "b" shown in Figure 2. Applicants respectfully direct the Examiner's attention to line 5 of the second full paragraph on page 10 of the specification wherein the reference dimensions are described.

Applicants submit for consideration the accompanying replacement drawings that have been amended as described above. Marked-up copies of the replaced drawings are attached to highlight the drawing changes. Applicants respectfully request consideration and authorization by the Examiner to replace the drawings.

Specification

The Examiner included a reminder that the proper language and format of an abstract should avoid using phrased that can be implied. A new abstract on a separate sheet is submitted herewith.

The Examiner also objected to the previous amendment filed in the application as introducing new matter. Applicants strongly traverse the objection. Figure 13 was introduced along with a description of the drawing, but it contains no new matter. As one skilled in the art would recognize, Figure 13 merely shows the combination of retaining profiles described and illustrated with regard to Figures 2, 3, and 6-12. It is well known in patent prosecution that an Applicant can act as his own lexicographer to define terms contrary to their ordinary meaning. Although the Applicants did not intend to define a new term, apparently the Examiner does not understand the term "narrow side" as used in the present application with regard to a panel. In his office action, the Examiner states that "a rectangular panel does not have four narrow sides

but rather two narrow sides and two wide sides.” In fact, as used in the present invention, a rectangular panel has two short sides and two long sides. The definition of “narrow side” does not mean a short side. According to the invention, “narrow side” refers to all four edges around the rectangle, whether the edge is short or long. There is ample support for this definition and the disclosure in Figure 13 throughout the specification and claims.

Furthermore, the Examiner mistakenly asserts that the profiles 4a and 4b are in the “long sides of the rectangle according to convention.” The profiles 4a and 4b are in the edges around the panel. They are not restricted to the long sides or the short sides. In fact, as claimed in Claim 1, each panel must have two pairs of opposite narrow sides; one pair arranged perpendicular to the other. The shape of one pair of narrow sides is such that it has hook elements. The shape of the other pair of oppositely disposed narrow sides is not defined. In Figure 13, the profiles now designated as 64a and 64b are in the edge along the short dimension of the panel. The profiles designated as 42 and 43 are in the edge along the long dimension of the panel.

The Rejections under 35 U.S.C. § 112

The Examiner has rejected Claims 3, 8, and 31 under 35 U.S.C. 112 as being indefinite. The Examiner asserts that the term “narrow” is a relative term. Applicants respectfully traverse the rejection. Narrow is only a relative term when used in a relative manner. In this case, narrow is used as descriptive to distinguish from the long and short sides of the panel. One skilled in the art would clearly understand the use of the term narrow side as applied to a three-dimensional panel. Nonetheless, Applicants have canceled Claims 3, 8, and 31 and added Claims 33-44 that do not use the term “narrow” to make it easier for the Examiner to understand.

Further, the Examiner objected to the claims as being misdescriptive. Applicants have amended the claims herein by placing them in a more traditional format according to U.S. practice. Additionally, the claims have been written to clarify the location of the retaining profiles on upper portion or lower portion of the edges of the panels. Applicants respectfully submit that the § 112 rejections have been overcome.

The Rejections under 35 U.S.C. § 102

The Examiner rejected Claims 8 and 31 under 35 U.S.C. 102(b) as being anticipated by Zancai (WO 00/63510). Applicants respectfully traverse the rejection. Although the Examiner states that the reference was “newly discovered”, Applicants respectfully point out that the reference was listed in an Information Disclosure Statement that Applicant filed in October 2003.

A claim is anticipated by a reference if that reference discloses all the non-inherent elements of that Claim. M.P.E.P. § 2131. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Examiner provided a marked up copy of Figure 8 of Zancai and asserts that his reference A6 corresponds to the retaining surfaces described and claimed in the present application. The Examiner further asserts that his reference A7 corresponds to the clearance between one of the hook projections and the leg of the complementary profile. Applicants respectfully submit that the Examiner gives too much credit to the drawing.

A careful reading of the Zancai reference reveals that the only mention of the connection is that “the hook-like end portions 33 and 36 engage each other.” (page 7, lines 18-19) There is no mention whatsoever of a clearance for this connection. One would expect such a clearance to be mentioned for this connection as the loose connection feature of the profiles is described with reference to Figure 3. It appears that the Examiner has attempted to use the present invention as a roadmap to identify features in the prior art. This is not permissible.

The independent claims of the present invention require the retaining surface of the hook projection on the first panel to bears against the retaining surface of the complementary hook projection of the second panel in order to hold the panels against each other so as to afford a gap-free floor surface. Nothing in Zancai discloses or suggests those limitations. Furthermore, independent claim 33 of the present invention requires a space to be provided between the hook projection connected to the panel by the leg on the upper portion of the edge of the second panel

and the leg connected to the panel at the lower portion of the first panel. This configuration corresponds to Figure 2 of the present invention. Nothing in Zancai discloses or suggests this limitation. Additionally, independent claim 39 of the present invention requires a space to be provided between the hook projection connected to the panel by the leg on the lower portion of the edge of the second panel and the leg connected to the panel at the upper portion of the first panel. This configuration corresponds to Figure 3 of the present invention. Nothing in Zancai discloses or suggests this limitation. As Zancai does not disclose all the limitations of independent claims 33 and 39, they are patentably distinguished.

Claims 33-38 depend from Claim 33 and incorporates the same limitations as Claim 33, which, as described above, is patentably distinguished. Thus, Claims 33-38 are, likewise, patentably distinguished.

Claims 40-44 depend from Claim 39 and incorporates the same limitations as Claim 39, which, as described above, is patentably distinguished. Thus, Claims 40-44 are, likewise, patentably distinguished.

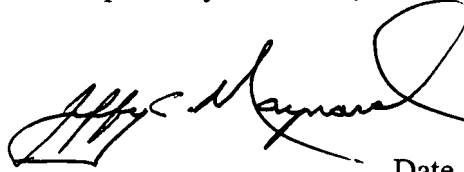
In particular, Zancai does not disclose that surfaces of the hook projections engage each other such that complementary hook projections can be hooked one into the other only by elastic deformation, as required by Claims 35 and 41. Zancai does not disclose that a clearance is provided between the end of the hook projection at the lower portion of the second panel and the edge of the first panel, as required by Claims 36 and 42. Nor does Zancai disclose that the end of the hook projection at the upper portion of the first panel in the assembled condition bears against the second panel at least in the region of the upper portion of the edge of the second panel, as required by Claims 36 and 42.

CONCLUSION

Applicants have made a diligent effort to address the objections and rejections identified by the Examiner and respectfully submit that the outstanding objections and rejections in the Final Office Action have been overcome. In view of the above amendments and remarks, all pending claims are believed to be patentable, and thus, the case is in condition for allowance. Accordingly, a Notice of Allowability is respectfully requested at the Examiner's earliest convenience. In the event that there is any question concerning this response, or the application

in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

 5/3/07

Date _____

Jeffrey C. Maynard
Reg. No. 46,208
Attorney for Applicants
WHITEFORD, TAYLOR & PRESTON L.L.P.
Seven Saint Paul Street
Baltimore, Maryland 21202-1626
Phone: 410-347-9496
Fax: 410-234-2324